

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO,
et. al.

Defendants.

CIVIL NO. 12-2039 (GAG)(PG)

MOTION IN COMPLIANCE WITH ORDER AT DOCKET NO. 679

TO THE HONORABLE COURT:

COMES NOW the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau (PRPB), through the undersigned counsel, who respectfully STATES and PRAYS as follows:

1. This Honorable Court issued an *Order* for the Commonwealth on December 18, 2017 to file an informative motion on changes on the Police Academy on January 15, 2018 and on the 15th of every month thereafter with the approval of the Governor's Personal Representative ("GPR"). (See Docket No. 679). Consequently, in compliance with the Court's order, the Commonwealth informs as follows:

- a. On October 23, 2018, the Puerto Rico Public Private Partnerships Authority (Authority) published the *Viability and Desirability Study* (the "Study") of the unsolicited proposal for a Public-Private Partnership to operate the Academy, as required in Act No. 29-2009, as amended. The Study concluded that the proposed project is feasible under the public private partnership mechanism. Therefore, the Authority is currently analyzing the comments submitted to the

study and continues the financial data gathering needed to move forward in preparing the Request for Qualifications, which is the next step in the procurement process.

- b. This Honorable Court issued an *Order* on October 19, 2018 (**Docket No. 989**)

which stated, in part, as follows:

Notwithstanding, it is imperative that a new Academy class commences on the target date of February 2019, stated by the Court during the last status conference. Total enrollment is not as important as the start and fluidity of the new class. The last graduating class composed mainly of PRPB officers concluded in 2015. The new Academy class provides integrity and overall efficiency to the PRPB, as furthermore safety and welfare to the United States citizens and other residents of Puerto Rico.

- c. Even though the Implementation Plan for Paragraph 13 projects the date of July, 2019 as the projected date for the start of a new Academy Class, the undersigned respectfully informs this Honorable Court that the PRPB is making its utmost efforts in order to meet target date of February, 2019, as stated on the above referenced *Order*, to commence a new Academy Class.
- d. During the status conference held on December 6, 2018, the PRPB informed this Honorable Court the latest updates on the implementation of a New Police Academy. To that effect, the PRPB informed that, at the present date, the PRPB counts with a talent bank of approximately 426 potential recruits.
- e. Accordingly, Article 12.2 of the Staff Rules, known as "Entry Requirements" was amended in order to temper the minimum entry requirements which the Cadet applicant must comply with at the time of requesting entry into the Bureau with the Reform Agreement requirements. This regulation was approved on November 21, 2018 with immediate effect, pursuant to Law No. 38-2017, known

as the *Uniform Administrative Procedures Law of the Government of Puerto Rico*, as amended.

- f. The Regulation was filed with the PR State Department under the title *Regulation to Amend Section 12.2 of Article 12 of the Police Personnel Regulation*, and was assigned No. 9050.
- g. The forms used in the recruitment process were reviewed and updated.
- h. All Directors of the Community Relations Divisions were informed on the new recruitment process in accordance with the Federal Agreement provisions so that all Cadet applicants are properly received and oriented.
- i. All Directors of the Recruitment processes were informed about the duty to carry out an inventory of needs and to develop a Work Plan, according to the corresponding process.
- j. A time study was developed, based on 35 candidates for each of the 8 processes established in G.O. 500-504. The following are the results of the time study:
 - i. Entrance examination: 2 days
 - ii. Polygraph Test: 5 days using three Polygraphists
 - iii. Field Investigation: 10 days for each candidate
 - iv. Medical Exam: 5 days
 - v. Physical Fitness Test: 1 day
 - vi. Psychological Test: 5 days
 - vii. Toxicological test: 1 day¹

¹ If the Cadet applicant does not pass the physical fitness test, he or she is oriented and must retake the test within 45 days.

- k. An exemption will be granted upon request to candidates who do not meet height requirements, once all the processes are completed.
- l. A bill was submitted to the Legislature to amend the “Law to Regulate Testing for the Detection of Controlled Substances in the Public Sector.” This is so that the PRPB Commissioner can regulate the anabolic tests to aspiring cadets and regular employees.
- m. The Recruitment module was reviewed with PRPB’ Project Manager, Mrs. Eily Molina. Once the module is completed, the recruitment process will be available through PRPB’s website: <https://policia.pr.gov/> Therefore, candidates interested in applying to be part of the PRPB will be able to do so from any computer. All notifications to the candidate will be sent through email. While completing this process, the ongoing recruitment process will develop manually.
- n. The Promotion Committee for the Recruitment of Cadets was created. It is composed of officials of both the Rank System and the Classified System with vast experience in operational, administrative and research areas. Two meetings have been held to outline the process to promote the recruitment of candidates, according to the Strategic Plan. It includes media, television programs, communities, universities, among others. A Work Plan will be prepared for such purposes.
- o. The Auxiliary Superintendence in Education and Training is completing the development of Multitematic Training directed to the members of the Promotion Committee and the Recruitment Division staff, as stipulated in the Agreement. It

is expected that the training for the personnel indicated in the Action Plans will begin on December, 2018.

- p. A brochure and poster was developed as part of the promotion for the recruitment of cadets. Some banners will also be developed for such purpose.
- q. On Wednesday, November 21, 2018, the announcement (“convocatoria”) was published along with the “Application for Admission” form through the PRPB’ webpage. The form was sent to the SAOC and the Community Relations Bureau with instructions for it to be available in each Commander Area and in the Community Relations Divisions.
- r. The qualifying candidates from the talent bank began to be cited in groups of 35 candidates for the first process, which is the entrance examination. Entrance examinations were held on November 29, 30 and on December 3, 4, 6, 7, 10, 11, 13 and 14. The PRPB will continue to give entrance examinations on December 17, 18, 20 and 21.
- s. We are in the process of establishing, together with the polygraphists of the Auxiliary Criminal Investigation Superintendence, the itinerary to interview candidates who pass the entrance examination towards the second process: the Polygraph Test.

WHEREFORE, it is respectfully requested from this Honorable Court to take notice of the above stated.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such

filing to all attorneys of record. It is also certified that the GPR has knowledge of the present motion.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on December 14, 2018.

WANDA VÁZQUEZ GARCED

Secretary of Justice

WANDYMAR BURGOS VARGAS

Deputy Secretary in Charge of
Litigation Department of Justice

SUSANA PEÑAGARÍCANO BROWN

Director of Federal Litigation
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